

# Agenda Item Form

Agenda Date: 03/30/04

Districts Affected: Citywide

Dept. Head/Contact Information: Pat Adatao, Deputy CAO, B & PS; 541-4855

## Type of Agenda Item:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Resolution            | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments        |
| <input type="checkbox"/> Tax Installment Agreements       | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                 |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen    |
| <input type="checkbox"/> Application for Facility Use     | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements            | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application         |
| <input type="checkbox"/> Other _____                      |   |  |

## Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: \_\_\_\_\_ Months)
- ☒ Other Source: Revenue Bonds

## Legal:

- ☐ Legal Review Required      Attorney Assigned (please scroll down): Ruth Reyes      ☒ Approved      ☐ Denied

Timeline Priority: ☒ High      ☐ Medium      ☐ Low      # of days: \_\_\_\_\_

## Why is this item necessary:

FY 2004 capital improvements (the design and construction of new Clint Landfill cells) supporting the Department of Solid Waste Management necessary for the efficient, effective, and safe operations of waste collection and disposal.

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Costs provided are those costs associated with design and construction of a new Clint Landfill cell by the Department of Solid Waste Management projected for FY 2004.

## Statutory or Citizen Concerns:

\_\_\_\_\_

## Departmental Concerns:

\_\_\_\_\_

## **RESOLUTION**

### **A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2004 CAPITAL IMPROVEMENTS FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS. (NEW CLINT CELLS)**

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes ("Tax-Exempt Obligations") pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the construction, reconstruction, repair, or renovation of the property listed on Exhibit "A" attached hereto; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the property listed on Exhibit "A" attached hereto from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue Tax-Exempt Obligations to reimburse itself for the costs associated with the property listed on Exhibit "A" attached hereto;

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 1. The City Council hereby declares the intention of the City of El Paso, Texas, pursuant to Regulation Section 1.150-2(e) of the United States Internal Revenue Code, to finance expenditures to be incurred from the proceeds of the sale of Tax-Exempt Obligations.

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the design, construction, reconstruction, repair, renovation, or acquisition of the property listed on Exhibit "A" attached hereto from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof, for the projects identified at Exhibit "A."

Section 3. The City reasonably expects that the maximum principal amount of Tax-Exempt Obligations issued to reimburse the City for the costs associated with the property listed on Exhibit "A" attached hereto will not exceed \$4,950,000.

Section 4. The Mayor is hereby authorized to make any necessary budget appropriations or adjustments to comply with the intent expressed in this resolution.

ADOPTED and EFFECTIVE this 30<sup>th</sup> day of March, 2004.

THE CITY OF EL PASO:

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Joe Wardy, Mayor

ATTEST:

APPROVED AS TO FORM:

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Richarda Duffy Momsen  
City Clerk




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Ruth Reyes  
Assistant City Attorney

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:



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Patricia D. Adauto, Deputy CAO for  
Building & Planning Services



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William A. Chapman, Deputy CAO  
Financial Services

## **EXHIBIT “A”**

### **1. NEW CLINT CELL**

The design and construction of a new Clint Landfill Cells. The Scope of Work includes excavation requirements, soil layers, leachate collection system, gas management system, HDPE liner, stormwater retention basin, drainage, berms, all weather access road and ramps, mobile camera system, and closure and post-closure plans.